

Assembly Bill No. 786

CHAPTER 436

An act to add and repeal Chapter 14 (commencing with Section 15800) of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services.

[Approved by Governor September 20, 2003. Filed
with Secretary of State September 22, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 786, Daucher. San Mateo County: home care assessment pilot project.

Existing law provides a variety of programs to serve older persons and persons with disabilities that allow these individuals to live in their own homes and still receive necessary services. Under existing law, these programs include the Multipurpose Senior Services Program, the In-Home Supportive Services program, AIDS case management services, adult day health care programs, and adult day programs.

This bill would require the County of San Mateo to adopt the Minimum Data Set-Home Care (MDS-HC) assessment instrument, as defined, for use, until December 31, 2008, by home- and community-based programs that serve elderly and disabled persons, thereby imposing a state-mandated local program.

This bill would provide that no provisions of the pilot project shall be interpreted to modify existing program eligibility requirements, reporting timeframes, or other program standards. This bill would exclude certain licensed home health agencies from the requirements of this bill.

This bill would require the county to seek funding for an evaluation of the use of the MDS-HC assessment instrument by an independent research organization, and would require the results of the evaluation to be reported to the Legislature and to the Long-Term Care Council in the California Health and Human Services Agency on or before May 31, 2009. The bill would provide that state funds shall not be appropriated for its purposes, and would require the county to implement the bill only to the extent that the county receives federal or private funds for that purpose. The bill would also provide that its provisions would become inoperative on July 1, 2009.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) In California, several home- and community-based programs enable older persons and persons with disabilities to live in their homes rather than in nursing homes. Each of these programs uses a separate assessment instrument to determine the client's functional abilities and the types of supportive services that will best enable the client to maintain self-sufficiency.

(2) Aggregate long-term care data collected at the state level are seriously flawed, as a result of differences in the types of data collected and inconsistencies in the definition of specific data elements among programs.

(3) Due to the use of different assessment instruments, it is not possible to compare long-term care data for residents of nursing homes, clients served by a home health agency, or participants in home- and community-based programs, such as the In-Home Supportive Services program, the Multipurpose Senior Services Program, adult day programs, and adult day health care programs.

(4) The process of providing appropriate care at the least restrictive level is based on a high quality assessment of the care and service needs of the individual, the availability of all components of the mix of necessary care or services within a geographic area, and the ability to fund payment for the care or services, either through government or private means.

(5) The Minimum Data Set-Home Care (MDS-HC) is a uniform assessment instrument that shares a common language with the Minimum Data Set (MDS) for nursing facilities and the Outcome and Assessment Information Set (OASIS) instrument used by home health agencies. This assessment instrument is oriented to obtaining specific information about the client's functional abilities and needs.

(6) Implementing the uniform assessment tool is a critical step in the development and implementation of an integrated long-term care service system.

(b) Therefore, it is the intent of the Legislature in enacting this act to do all of the following:



(1) Test the efficacy of a uniform, automated screening and eligibility assessment tool for all persons accessing long-term care services in a specific geographic area.

(2) Ensure the use of an assessment instrument that recognizes that many older and disabled people have both health care and social care needs, which will be provided from a number of sources and funding streams.

(3) Enable agencies to work together so that assessment and subsequent care planning are person-centered, effective, and coordinated.

(4) Ensure that agencies and programs do not duplicate each other's assessments and that the data collected are consistent. A uniform assessment tool can guide both clinical management and policy decisionmaking processes, so that health and community programs can serve the right person, in the right setting, at the right time.

(5) Ensure that assessments are performed in a timely manner in order to expedite service delivery.

(6) Evaluate the potential adoption of the MDS-HC statewide to improve planning, funding, and service delivery.

SEC. 2. Chapter 14 (commencing with Section 15800) is added to Part 3 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 14. HOME CARE ASSESSMENT PILOT PROJECT

15800. (a) The County of San Mateo shall adopt the use of the Minimum Data Set-Home Care (MDS-HC) assessment instrument for use, until December 31, 2008, by all home- and community-based programs within the county that serve elderly and disabled persons with the primary goal of enabling them to continue to live in their homes as independently as possible. These programs may include the Multipurpose Senior Services Program, the In-Home Supportive Services program, adult day health care programs, and adult day programs.

(b) For purposes of this chapter, the "Minimum Data Set-Home Care (MDS-HC) assessment instrument" means a uniform assessment instrument that shares a common language with Minimum Data Set (MDS) for nursing facilities and the Outcome and Assessment Information Set (OASIS) instrument used by home health agencies, and that is oriented to obtaining specific information about the client's functional abilities and needs.

15801. (a) This chapter shall not modify existing program eligibility requirements, reporting timeframes, or other program standards.



(b) Home health agencies licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code shall not be subject to the requirements of this chapter.

15802. To ensure that program staff are adequately trained, the use of the MDS-HC assessment instrument pursuant to this chapter shall be phased in, beginning with the Multipurpose Senior Services Program, and the AIDS case management services, Linkages, and In-Home Supportive Services programs administered through the Aging and Adult Services Division of the San Mateo County Health Services Agency. If the County of San Mateo determines that the use of the MDS-HC assessment instrument is successful in those programs, it shall expand the implementation of the use of the MDS-HC assessment instrument to include other home- and community-based programs, including adult day care and adult day health care.

15803. (a) The county shall seek funding for the evaluation of the use of the MDS-HC assessment instrument by an independent research organization. The results of the evaluation shall be reported to the Legislature, and to the Long-Term Care Council established pursuant to Section 12803.2 of the Government Code, on or before May 31, 2009.

(b) State funds shall not be appropriated for purposes of this chapter. The county shall only be required to implement this chapter to the extent that the county receives federal or private funds for that purpose.

15804. This chapter shall become inoperative on July 1, 2009, and as of January 1, 2010, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Due to the unique circumstances concerning the County of San Mateo, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution. Therefore, this act is necessarily applicable only to the County of San Mateo.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

